



CITY OF WYNNEWOOD

Citizen Petition Audit Report

January 30, 2024

Cindy Byrd, CPA
State Auditor & Inspector

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TO THE CITIZENS OF THE CITY OF WYNNEWOOD

Pursuant to 74 O.S. §212(L), a citizen petition audit of the City of Wynnewood has been completed.

The goal of the State Auditor and Inspector is to promote accountability and fiscal integrity in state and local government. Maintaining our independence as we provide services to the taxpayers of Oklahoma is of utmost importance.

We wish to take this opportunity to express our appreciation for the assistance and cooperation extended to our office during our engagement. This report is a public document pursuant to the Oklahoma Open Records Act, 51 O.S. §§ 24A.1, *et seq.*

Sincerely,

A handwritten signature in blue ink that reads "Cindy Byrd".

CINDY BYRD, CPA
OKLAHOMA STATE AUDITOR & INSPECTOR



City of Wynnewood Citizen Petition Audit Report

Why This Audit Was Performed

This audit was performed at the request of the citizens of the City of Wynnewood pursuant to 74 O.S. § 212(L). The petitioners requested a review of select concerns occurring between July 1, 2017 and June 30, 2021.

Petition Objectives

The City of Wynnewood operates under a statutory aldermanic form of government in accordance with 11 O.S. §§ 9-101, *et seq.* The city is governed by the mayor and eight council members (council), who also serve as the board of trustees (board) for the Wynnewood City Utilities Authority (WWUA), established under 60 O.S. §§ 176 *et seq.*

A citizen petition, verified by the Garvin County Election Board, requested a review of eight concerns. These concerns, along with some additional issues brought to light during the audit, are addressed in the following report.

1. Determine whether utility records were properly maintained, utility payments were deposited, improper utility billing rates were applied, and if any of these actions led to the loss of revenue.
2. Determine whether former Mayor Hayes improperly used city funds to take business trips to Florida related to smart meters and whether she received unauthorized benefits from the company from which the smart meters were purchased.
3. Determine whether Mayor Giltner improperly used city assets to conduct business for her primary employer, Lumen Technology.
4. Determine whether sales tax money was deposited in an unaudited fund controlled by the fire department and used for inappropriate purposes.
5. Determine whether Mayor Giltner improperly disposed of surplus city assets.
6. Determine whether the city enforced ordinances which were not legally codified, whether the city followed proper procedures in later codifying ordinances, and whether the city arbitrarily enforced ordinances against local businesses.
7. Determine whether the Open Meeting and Open Records Acts have been complied with concerning all city agencies, committees, departments, and boards.
8. Determine whether payroll was calculated properly for police department employees.

Key Findings

Sales Tax Revenue

- **Arbuckle Master Conservancy District (AMCD) sales tax revenues were commingled with other city funds and utilized for non-AMCD purposes in violation of the city sales tax ordinance and law. AMCD funds were also transferred from the AMCD Pay Fund bank account to utilities authority bank accounts and used for non-AMCD purposes. A total of \$697,731.92 should be returned to the AMCD fund. (Page 7)**
- **Sales tax revenues approved by the citizens for street maintenance and improvement were commingled with other city funds and utilized for non-street improvement and maintenance expenditures in violation of law. A total of \$120,368.52 should be returned to the Street Improvement CIR¹ Fund. (Page 8)**

Fire Department

- **The fire department maintained unaudited bank/savings accounts and an unauthorized petty cash fund outside of the oversight of city officials. (Page 9)**
- **Documentation was not maintained to support revenue from the sale of raffle tickets nor the disbursements of scholarships resulting in the inability to account for funds raised and spent. (Page 9)**
- **Invoicing and payment procedures for fire runs do not meet federal reporting requirements. (Page 11)**

Surplus Assets

- **The city's procedures for handling surplus assets displayed inconsistencies and deviations from established city ordinance. Alterations to bid documents and the absence of comprehensive records limited the ability to determine the full outcome of surplus asset transactions. (Page 11)**

City Ordinances

- **The city did not maintain all approved ordinances and failed to publish ordinances within 15 days of passage as required by law. (Page 13)**

Open Meeting and Open Records

- **Some council and board meeting agendas were not maintained, and items included on some agendas were not addressed in the corresponding meeting minutes. The overall lack of details provided in the minutes limited the ability to gain a clear understanding of the council's discussions and decisions. (Page 14)**
- **Nine of the 48 open records requests reviewed were unfulfilled and 15 were not fulfilled within a reasonable time. (Page 15)**
- **Minutes of executive sessions were not taken. (Page 15)**

¹ Capital Improvement Reserve

- **Public records, as a whole, were not maintained and preserved in an organized and accessible manner. (Page 17)**

Other Issues

- **The current city clerk, Codie Cross, enacted a \$10,000 unauthorized salary increase for herself, without proper council approval and in violation of law. Personnel working under Cross’s direct supervision also received unauthorized wage increases. (Page 18)**
- **Fuelman charge card records were incomplete, receipts were not properly maintained or reconciled, multiple cards were unassigned and untracked, and anomalies in card usage and fuel consumption were noted. (Page 20)**
- **Cross exempted herself from utility non-payment disconnection actions allowing her account to go uninterrupted without making monthly utility payments. This exemption also allowed her to avoid paying “cut off” and “reconnect” fees totaling \$2,100.00. (Page 22)**

Objective 1

Wynnewood Utilities Authority

Petition Objective Determine whether utility records were properly maintained, utility payments were deposited, improper utility billing rates were applied, and if any of these actions led to the loss of revenue.

The city converted to utility smart meters in late 2018 and began installation of the meters in April 2019. At the same time, the city replaced existing software and the new software did not integrate properly with the new smart meters. There were additional issues due to human error and the failure of staff to make seasonal rate adjustments in the system. New smart meter installation also resulted in increases in billing usage due to the sensitivity of the meters.

Were Utility Records Properly Maintained

Finding Utility billing records for January 2019 through December 2019 were not properly maintained due to the failed utility accounting software conversion. This finding is one which the city openly acknowledges, and the data for this year cannot be restored.

This finding was previously reported in the city’s independent audits for FY² 2019 and FY 2020. The auditor noted that there were no records available from January 2019 – December 2019 due to the unsuccessful implementation of new accounting software. The city reverted to the prior software in January 2020 which resolved the issue.

During our review of the period July 1, 2017 through June 30, 2021, our findings corroborated the findings presented by the independent auditor. Billing records were present from July 1, 2017 through December 31, 2018, and from January 2020 to current. No records exist for calendar year 2019.

² Fiscal Year – July 1 through June 30

It should be noted that statute only requires utility records that have been previously audited to be maintained for two years following the end of the fiscal year in which the record was created.³

Were Utility Payments Deposited

No Finding A comparison of payment receipts and bank statement deposits indicated that utility payments were being deposited.

A month within the audit period was chosen at random and tested to verify the accuracy of utility payment deposits. The daily receipts paid by check agreed with bank deposits. Cash payments were deposited as lump sums and reconciled with total cash deposits without exception.

Were Improper Billing Rates Applied and Was There a Loss of Revenue

No Finding Testing of utility rates for the period of March 2023 through May 2023 was performed to ascertain if current rates established by the council were properly applied. Our testing confirmed that current rates are being applied correctly, thus ensuring compliance with the rates established per resolution of the council.

Independent audits concluded that utility billing rates had been improperly applied in the past, resulting in overbilling and underbilling. Customers were underbilled for electricity during some periods covered by the summer rate season, which resulted in a loss of revenue for the city.

In FY 2021, the independent audit stated that rates for sewer usage were being improperly applied, resulting in the underbilling of variable sewer charges for all customers whose usage exceeded the minimum billing amount and an overbilling for the minimum sewer charge.

The rate issues were attributed to the utility billing clerk's failure to make seasonal rate adjustments in the city's utility billing software and the city's conversion to a different accounting software in January 2019.

Customer accounts were systematically selected, and rates were tested for electric, water, sewer, and garbage for the period of March 2023 through May 2023. Testing provided conclusive evidence that correct rates are now being charged.

Objective 2

Florida Trip & Unauthorized Benefits

Petition Objective Determine whether former Mayor Hayes improperly used city funds to take business trips to Florida related to smart meters and whether she received unauthorized benefits from the company from which the smart meters were purchased.

The petitioners voiced concern that city funds may have been utilized by former mayor Tabitha Hayes in the fall of 2018 for a business trip to Florida related to the city's acquisition of smart meters. There were additional concerns that the company who was awarded the smart meter

³ 11 O.S. § 22-131

contract may have offered unauthorized benefits to Hayes in the process of securing the contract.

Were City Funds Improperly Used by Mayor Hayes

No Finding *There was no evidence that the business trip to Florida made by Mayor Hayes was paid with city funds.*

The Chief Operating Officer for Utility Technology Services⁴ (UTS) affirmed that it was common practice for UTS to cover the costs of registration, airfare, lodging, and meals for potential customers and their spouses attending a REACH⁵ conference. UTS provided details regarding conference related expenses paid for Hayes, the city's utility supervisor, and their spouses.

City bank statements reflected that no conference travel costs were paid by the city. This was corroborated by statements from city officials as well as the UTS Chief Operating Officer.

Did Mayor Hayes Receive Unauthorized Benefits from the Smart Meter Company

No Finding *No evidence was found that Mayor Hayes received unauthorized benefits from the smart meter company.*

Okla. Const. Art. 10, § 11 prohibits a public officer from receiving interest, profit, or perquisites from the use of public funds. Since the trip to Florida was not paid for by public funds and no evidence was provided that any benefits were received by Mayor Hayes outside of the travel-related costs for the conference paid for by UTS, it appears that no unauthorized benefits were received.

While the inclusion of the spouses on the trip could raise questions, the law does not explicitly consider such a situation.

Objective 3 Improper Use of City Assets

Petition Objective *Determine whether Mayor Giltner improperly used city assets to conduct business for her primary employer, Lumen Technology.*

The petitioners were concerned that former mayor Anne Giltner had taken advantage of her position and utilized city computers, internet, and electricity to conduct business for her alleged employer Lumen Technology.

No Finding *No evidence was found that former Mayor Giltner utilized city assets improperly.*

Giltner has never been employed by Lumen Technology but has been employed full-time at Presidio since 2014. During an interview with Giltner, she openly shared that she conducted personal business simultaneously with her mayoral duties, using her personal laptop, within her city hall office. She also acknowledged using the city's publicly accessible internet, which is

⁴ Utility Technology Services was the company awarded the city's smart meter purchase.

⁵ Xylem ReachSM is the annual user conference for customers, distributors, and partners of Sensus, a Xylem Brand.

available for anyone present at city hall. The desk and chair that she utilized at city hall were also her personal belongings.

Elected mayors are not required to resign from their full-time positions or adhere to specific work hours.⁶ Council members who served during Giltner's tenure as mayor were aware that she pursued personal business matters alongside her official mayoral responsibilities. This practice also has precedent with past mayors who continued their full-time jobs while fulfilling their mayoral duties.

Objective 4

Sales Tax & Unaudited Fire Department Funds

Petition Objective Determine whether sales tax money was deposited in an unaudited fund controlled by the fire department and used for inappropriate purposes.

The petitioners were concerned that sales tax money was being deposited into funds that were not audited and then used for buying alcohol and sponsoring parties. The primary fund in question pertained to a “slush” fund, maintained by the fire department treasurer.

Sales Tax

The city currently has an aggregate 4% sales⁷ tax. The breakdown of this sales tax is as follows:

- In 1974, the council passed Ordinance 247, which introduced a 1% sales tax. The purpose of this tax was to provide revenue for the AMCD. The ordinance was approved by the registered voters in a special election held on July 16, 1974.
- In 1978, the city passed Ordinance 261, levying an additional 1% sales tax (bringing the total to 2%). The purpose of this tax was to generate revenue for the city. The ordinance was approved by the registered voters in a special election held on May 2, 1978.
- In 1987, the city passed Ordinance 310, adding another 1% sales tax (bringing the total to 3%). The purpose of this tax was to generate revenue for the city. The ordinance was approved by the registered voters in a special election held on November 17, 1987.
- In 2005, the city passed Ordinance 357, an ordinance levying and assessing a sales tax of 1% (bringing the total to 4%). This tax was for the sole purpose of street maintenance and improvements within the corporate limits of the city, effective April 1, 2005 and expiring on March 31, 2010.

Ordinance 367 renewed the tax, extending it to May 31, 2015.
 Ordinance 375 renewed the tax, extending it to June 30, 2020.
 Ordinance 428 renewed the tax, extending it to June 30, 2025.

⁶ 11 O.S. § 9-104 and 9-105 address the duties of the mayor in an aldermanic form of city government.

⁷ Also referred to as an excise tax.

68 O.S. § 2701(G) stipulates:

*Any municipality that levies a dedicated tax pursuant to a vote of the people for the purpose of funding public safety or any other governmental purpose **shall not redirect all or a portion of the dedicated tax revenue to another purpose without a vote of the people authorizing such action.** [Emphasis added]*

Additionally, Okla. Const. Art. 10, § 19, specifies:

*...every ordinance and resolution passed by any...city..., levying a tax shall specify distinctly the purpose for which said tax is levied, and **no tax levied and collected for one purpose shall ever be devoted to another purpose.** [Emphasis added]*

Determine Whether Sales Tax Money was Deposited in an Unaudited Fund

No Finding All sales tax distributions from the Oklahoma Tax Commission to the city were directly deposited into the audited General Fund account.

FY 2018 through FY 2023 sales tax collection reports from the Oklahoma Tax Commission (OTC) were compared to bank statements to verify tax collections were received and deposited into the general fund bank account. All amounts were properly deposited. The General Fund is audited annually by the city's independent auditor.

Arbuckle Master Conservancy District Fund

Finding AMCD sales tax revenues were commingled with other city funds and utilized for non-AMCD purposes. AMCD funds were also transferred from the AMCD Pay Fund bank account to utilities authority bank accounts and used for non-AMCD purposes. A total of \$697,731.92 should be returned to the AMCD fund.

To manage the revenue from the 1% AMCD sales tax, the city maintained a separate checking account called the City of Wynnewood AMCD Pay Fund. Each month, 25% of the total sales tax distribution received from the OTC should be transferred to this account. Transfers totaling \$120,368.52 were not made as required. This resulted in the commingling of funds and allowed these revenues to be used for non-AMCD purposes.

Further analysis found that between FY 2018 and FY 2023, transfers totaling \$320,309.90 were made from the AMCD Pay Fund bank account to the Wynnewood City Utilities Authority Capital Improvement Reserve bank account and used for non-AMCD purposes.

Additionally, a 6-month certificate of deposit opened on September 15, 2016, using AMCD sales tax dollars, was surrendered on November 3, 2021, in the amount of \$257,053.50 and transferred to the Wynnewood City Utilities Authority General Fund bank account.

No evidence was found that any changes had been made to the AMCD sales tax ordinance providing authorization to transfer and utilize AMCD sales tax revenue for purposes other than for the AMCD. The Garvin County Election Board also confirmed that no additional elections pertaining to the AMCD had taken place.

The city should transfer the required sales tax funds to the AMCD account and cease the transferring of funds from the AMCD Pay Fund to other city or utilities authority funds. The funds improperly transferred and utilized for non-AMCD purposes should be replenished. The city should develop procedures to ensure all AMCD sales tax revenue is transferred timely to the AMCD Pay Fund and used for AMCD purposes only.

Street Improvement (CIR) Account

In 2005, the council passed Ordinance 357, an ordinance levying and assessing a sales tax of 1% for the sole and only purpose of street maintenance and improvements within the corporate limits of the city. The original ordinance took effect on April 1, 2005, and expired on March 31, 2010. Subsequent ordinances renewed the tax and extended the effective date to June 30, 2025.

Finding Sales tax revenues approved by the citizens for street maintenance and improvements were commingled with other city funds and utilized for non-street improvement and maintenance expenditures. A total of \$120,368.52 should be returned to the Street Improvement CIR⁸ Fund.

To manage the revenue from the 1% street improvement sales tax, the city maintains a separate checking account called the City of Wynnewood Street Improvement CIR. Each month, 25% of the total distribution received from the OTC should be transferred to this account.

It was discovered that transfers totaling \$120,368.52 were not executed as required. Street improvement sales tax revenue remained in the General Fund bank account and was not earmarked for street improvement expenditures. This resulted in the commingling of funds and allowed these revenues to be used for non-street purposes.

City and utility authority minutes and ordinances were reviewed to determine if any updates had been made allowing for the sales tax to be utilized for projects and purchases other than street improvement and maintenance. No such updates or authorizations were found.

The city should transfer sales tax funds improperly retained in the general fund bank account or funds improperly utilized for non-street improvement expenditures to the Street Improvement CIR account. The city should also consider developing procedures to ensure that all street improvement and maintenance sales tax revenues are transferred from the General Fund to the Street Improvement CIR account in a timely manner and utilized for street improvement and maintenance purposes only, as required by law.

Fire Department

The city is an aldermanic form of government,⁹ all fiscal matters, including the establishment of departments and the determination of policy, should be overseen by the council. It is also the responsibility of the governing body to enact ordinances, resolutions, and regulations that define how city departments should operate.

In addition, the fire department should operate in accordance with the legal requirements outlined in the Oklahoma Volunteer Firefighters Act.¹⁰ The ACT requires that any municipality

⁸ Capital Improvement Reserve

⁹ 11 O.S. § 9-101, *et seq.*

¹⁰ 11 O.S. § 29-201, *et seq.*

that has volunteers enrolled as members of the fire department adopt by ordinance a code of minimum rules and regulations.

Unaudited Accounts

Finding The fire department maintained unaudited bank/savings accounts outside of the oversight of city officials.

In the process of conducting interviews with city and fire department officials, it was discovered that the fire department maintains four bank/savings accounts, a petty cash fund, and a charge account outside of the management and oversight of the council. The signatories on these accounts were the fire department treasurer, chief, and one or two assistant chiefs. The accounts required only one signer to conduct business.

All bank accounts maintained by the fire department should be closed or transferred to city control. Each remaining account should have a minimum of two officials¹¹ as signors on any transaction. Decisions affecting account activity can be discussed by firefighters at their monthly fire department meetings, and these decisions can then be presented to the council for approval.¹² This process will meet the statutory requirements of city oversight and still allow the fire department the ability to continue its current outreach programs and department comradery. These procedures should be documented by ordinance or resolution.

Cash Activity

A review of bank statements¹³ revealed that the predominant debit activity across all fire department accounts was comprised of cash-related activity. There was a lack of receipts to support cash transactions, which limited the ability to account for receipts and disbursements of funds. This cash-based and receipt-less system contrasts with the legal requirements established by statute, which requires that all monies be deposited daily¹⁴ and all transactions be completed via purchase orders, supported by itemized invoices, and approved by the council.¹⁵

Finding Cash scholarships are provided to recipients without any documentation maintained to document the transactions.

Scholarships awarded from the fire department's scholarship savings account were issued in cash without any supporting documentation. Previous scholarship awardees and amounts were successfully verified from outside sources; however, all future transactions should be properly documented by the department. Scholarships, gifts, and awards should be distributed by check from an account overseen by city officials.

All funds collected for scholarships should be properly receipted and all documentation maintained to ensure adequate record-keeping and accountability of donations.

Finding Documentation was not maintained to support the sale of raffle tickets resulting in the inability to account for funds raised.

¹¹ The fire department treasurer and one city official.

¹² See discussion concerning fire department meetings and required council approval under Objective 7.

¹³ Wynnewood Fire Fighter Association; Wynnewood Fire Fighter Association WWFD Scholarship Fund; Wynnewood Fire Fighter Association Food Baskets; and Wynnewood Fire Fighter Association Survivors Relief

¹⁴ 11 O.S. § 9-113

¹⁵ 62 O.S. § 310.1

The fire department holds an annual raffle to raise money for food baskets for needy families. Tickets are sold for \$5 each or \$20 for five. Each firefighter is given 25 unnumbered tickets and is not required to return unsold tickets. The fire department should implement measures that would help ensure accountability and transparency in handling raffle ticket sales. These procedures should include accurate tracking of the tickets given out, the return of unsold tickets, and the proper handling of the money collected and distributed.

Petty Cash

Finding *The fire department maintains an unauthorized petty cash fund.*

The fire department maintains an unauthorized petty cash fund identified as their “slush fund.” The fund consists primarily of the undeposited portion of run money payments and is kept in a briefcase in the possession of the fire department treasurer.

A petty cash fund is allowable but should be established in accordance with 11 O.S. § 17-102 (D) which states in relevant part:

A municipality shall have the authority to establish petty cash accounts in amounts established by the governing body for use in making payments for costs incurred in operating the municipality. The petty cash accounts shall be reimbursed by utilizing properly itemized invoices or petty cash voucher slips and processing the reimbursement in accordance with the provisions of subsection A of this section.

The unauthorized petty cash fund should be closed, and any remaining funds should be returned to the municipal treasury. To rectify this situation and align with the provisions outlined in statute, the council, as the governing body, should initiate the official establishment of a petty cash fund for the fire department. This process should include determining the appropriate amount for the fund and documenting this decision through a formal resolution or ordinance.

Once the petty cash fund has been officially established, it should be managed in accordance with the guidelines defined in statute¹⁶ which requires disbursements to be supported with properly itemized invoices or petty cash voucher slips and reimbursement made through properly executed purchase orders.

Run Money

The fire department invoices the city for their emergency response calls, which they refer to as “run money.” A run sheet¹⁷ is completed by each firefighter, based on an honor system, without any inspection by the treasurer, chief, or assistant chiefs, to verify if the run recordings are accurately reported. Information from individual run sheets is transferred onto a Monthly Run Sheet¹⁸ maintained on the department’s laptop. The amount is calculated by taking the total number of members responding to each run times \$10.00. The Monthly Run Sheet is used as an invoice to the city, the total amount is then paid in a lump-sum to the fire department.

The fire department treasurer deposits half of the run money check amount and obtains the balance in cash. The cash portion is placed into the fire department’s “slush fund”, a briefcase carried by the treasurer, and then later paid out to the firefighters in cash.

¹⁶ 11 O.S. § 17-102(D)

¹⁷ See a departmental run sheet at Exhibit 1.

¹⁸ See Monthly Run Sheet example at Exhibit 2.

Per fire department officials, the run money deposited and not paid out to the firefighters is considered a donation from firefighters back to the department and is apportioned into the fire departments checking/savings accounts to fund events, scholarships, survivors' relief, and other charitable causes.

Finding The current method of total sum invoicing for emergency runs, with no record of payments going to the individual firefighter, does not meet federal reporting requirements.

Federal regulations¹⁹ provide that a nominal fee may be paid on a “per call” basis to a volunteer firefighter without jeopardizing their status as a volunteer. The payment must be a nominal amount, not tied to productivity, and *directly* paid to the individual. The city is currently paying run money in full each month to the fire department with no accountability to each firefighter. Payments should be issued directly to each firefighter. If the full amount is paid to the department each firefighter should document receipt of their payment and these receipts should be submitted to the city clerk.

If individual firefighters wish to donate money back to one of the fire departments charitable causes, donations need to be receipted and deposited.

Objective 5

Improper Disposal of Surplus Assets

Petition Objective Determine whether Mayor Giltner improperly disposed of surplus city assets.

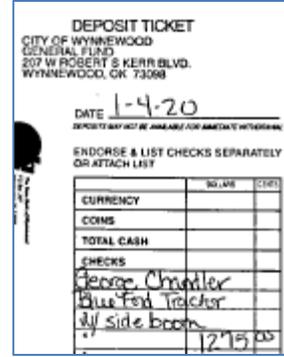
The petitioners concern centered around a bid submitted for a tractor that was initially awarded to a citizen, who was later informed that the bid had been awarded to someone else. The petitioner claimed that Giltner met with the eventual buyer, who offered a kickback to Giltner if he was awarded the tractor sale.

The law is silent regarding the sale of surplus or obsolete supplies, materials, or equipment for an aldermanic form of city government, leaving the city's codes and ordinances to govern this matter. Ordinances 7-107 and 7-108 require that surplus assets must be declared obsolete by the council and advertised for bids if valued at more than \$2,000. All bids shall be sealed and shall be opened in public. The city may reject all bids and advertise or give notice again. The item should be sold to the highest responsible bidder.

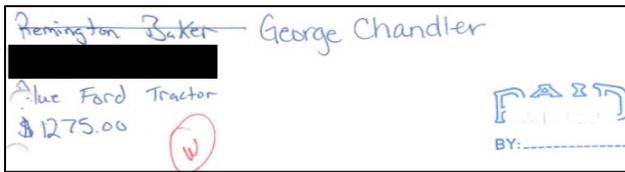
Finding The city's procedures for handling surplus assets displayed inconsistencies and deviations from established city ordinance. The alterations to the bid document in question and the absence of comprehensive records limited the ability to determine the full outcome of the transaction in question.

¹⁹ 29 CFR § 553.106 (a) & (e)

October 12, 2020, minutes confirmed that items had been declared as surplus, including the Ford tractor in question. The November 11, 2020, meeting minutes indicated that a bid of \$575 for the tractor was rejected by the council. According to minutes from the following month’s meeting on December 14, 2020, two sealed bids were opened, and the winning bid for the tractor was \$1,275. A bank deposit confirmed that the winning bid was awarded to George Chandler.



A copy of the non-winning bids was requested from the city clerk but were not maintained. City officials also indicated that the sale of surplus assets had been published in accordance with ordinance; however, evidence of the publications could not be provided.



The winning bid provided to validate the sale displayed a name alteration from "Remington Baker" to "George Chandler." The alteration to the bid form raises concerns about the authenticity of the bid and certainly raises questions about the integrity of the city's

sealed bid process. However, considering the council’s clear rejection of the Ford tractor bid submitted the prior month, the petitioner’s account cannot be validated.

Council members interviewed could not recall any abnormalities regarding the processes followed for these bid items, although some did state that the name crossed out and a new name written in on the bid slip was concerning. There was a conflict between the petitioner’s testimony and Giltner’s testimony, although the basic events, names of personnel involved, equipment, and eventual purchaser were consistent in both versions.

For all future surplus asset sales, the city should ensure adherence to the protocols outlined in ordinance. The city should also consider establishing standardized bid forms to include bidder identification and signatures. Both successful and unsuccessful bids should be retained to facilitate verification of bid authenticity and to help prevent bid manipulation.

Objective 6 Codification of Ordinances

Petition Objective *Determine whether the city enforced ordinances which were not legally codified, whether the city followed proper procedures in later codifying ordinances, and whether the city arbitrarily enforced ordinances against local businesses.*

No specific concerns were presented by the petitioners.

Maintenance of Ordinances

Statute²⁰ requires that every ordinance enacted by a municipal governing body be entered in an ordinance book upon passage. The book should be kept in the office of the municipal clerk and

²⁰ 11 O.S. § 14-105

the ordinances should include the date of passage, the final vote on passage, the name of the newspaper in which the ordinance was published, and the date of publication.

Finding The city did not maintain a proper record of all approved ordinances.

The city did not maintain its ordinances in accordance with the law. Several ordinances provided by the city were missing signatures, gaps existed in the ordered number sequencing, and some could not be provided. The city could not explain these discrepancies.

Publishing of Ordinances

Statute²¹ states that ordinances having any subject other than the appropriation of monies shall be published or posted within 15 days of passage, or they will not be in force. At least one copy of the ordinances should be kept in the office of the municipal clerk.

Finding The city failed to publish approved ordinances within 15 days of passage.

During the audit period spanning from July 1, 2017, to June 30, 2021, a total of 12 ordinances were reviewed to ascertain whether they had been properly approved by the council and published according to statute. Only one of the 12 ordinances had been published within the specified 15-day period leaving 11 ordinances questionable.

Codification

No Finding The city's penal ordinances were codified in accordance with statute.

In May 2021, the city hired a law firm to codify ordinances. The firm verified that penal ordinances were codified in 2021, meeting the 10-year legal requirement indicated in statute.²²

In Summary

The city should work to ensure that ordinances are properly managed. Signatures should be obtained as necessary, any gaps in the numbering of ordinances should be corrected, and all approved ordinances should be maintained and published in a timely manner.

Objective 7 Compliance with Open Meeting Act & Open Records Act

Petition Objective Determine whether the Open Meeting and Open Records Acts have been complied with concerning all city agencies, committees, departments, and boards.

The main issue raised by petitioners revolved around the lack of transparency in the fire department's monthly meetings. These meetings supposedly addressed topics such as finances, budgets, pay rates, and purchases, but were not open to the public. There was also concern that when individuals submitted open record requests using the city's standard form, it often took an extended period of time to receive a response. In many cases, the response indicated that the requested records could not be provided.

²¹ 11 O.S. § 14-106, 11 O.S. § 14-107(A)

²² 11 O.S. § 14-109

Open Meeting Act

Fire Department Meetings

No Finding *The city’s volunteer fire department is not required to comply with the requirements of the Open Meetings Act.*

According to statute²³ a volunteer fire department is required to hold at least one regular business meeting each month. The minutes of these meetings should be taken and maintained by the department’s secretary-treasurer. Petitioners were concerned that these meetings were not open to the public and, as such, were in violation of law.

The state Supreme Court has held that if a subordinate department does not exercise actual or de facto decision-making authority and only performs purely administrative or ministerial tasks, the provisions of the Open Meeting Act are not called into play.²⁴

The oversight of the fire department should rest with the council. Monthly fire department meetings, and the decisions made in those meetings should only be administrative in nature. Decisions made should be provided to the mayor and presented to the council for approval.

City Council and Utility Authority Board Meetings and Agendas

Finding *Meeting agendas could not be provided for two council meetings and three board meetings. Two council meeting agendas included items that were not addressed in the corresponding meeting minutes.*

Of the 16 council/board meeting minutes and agendas reviewed between July 2017 and June 2021, agendas could not be provided for five of the meetings. Additionally, two council agendas included items that were not addressed, or if addressed, were not documented in the meeting minutes.²⁵

Finding *Due to the lack of details provided in the minutes, and the absence of meeting information packets, the public would not be able to gain a clear understanding of the council’s discussions and decisions.*

Example from November 14, 2018 Meeting

- | |
|--|
| <p>8. Rogers made a motion, second by Giltner to approve account transfers, purchase orders and claims. Roll Call. Yes: Anderson, Basaldua, Giltner, Lewis, Hudson and Rogers. Motion carried.</p> <p>9. Report: A. Mayor’s monthly report. Summit training was held on November 11-14, 2018 at city hall Giltner requested all future training be interrupted.</p> <p>B. Monthly reports from active commissions or committees.</p> <p>C. Review of monthly department head report.</p> |
|--|

Statute²⁶ specifies that the minutes of a public body shall be an official summary of the proceedings showing *clearly* those members present and absent, all matters considered by the public body, and all actions taken by such public body.

²³ 11 O.S. § 29-204(6)(C), 11 O.S. § 29-204(4)(2)

²⁴ Supreme Court 1978 OK 53, 579 P.2d 815

²⁵ 25 O.S. § 311(B)(1)

²⁶ 25 O.S. § 312

Finding Minutes were not recorded during executive sessions.

None of the meetings that indicate an executive session was held appear to have had minutes taken during the session. The Open Meetings Act requires that the proceedings of executive sessions be kept in the form of written minutes.²⁷

Open Records Act

Finding Nine of 48 open records requests reviewed were unfulfilled and fifteen were not fulfilled within a reasonable response time.

Open record requests presented to the city for the period of July 1, 2017 through June 30, 2021, were requested from the city clerk. No requests could be provided for the period prior to February 18, 2021.

Open records laws²⁸ exist to ensure reasonable access to public records and indicate that records should be provided promptly. Some requests reviewed, even though technically considered fulfilled because a response was provided, appeared to be simple dismissals without an effort to locate and provide the requested records.

Example 1

A public records request was submitted on August 3, 2021, requesting copies of certificates indicating that newly elected officials took the required 8-hour new official training.

DOCUMENT REQUESTED: 8/3/2021
Certificates of Completion from the Newly Elected
DATE REQUESTED: 8/3/2021
Official 8 Hr. class to be completed w/in 1 year of taking
REQUESTED BY: [REDACTED]
Office per State Statute 8/3/2021 for
SIGNATURE AT TIME OF PICKUP: _____
members of Council

The response below is from a letter provided to the requester by the city clerk.

Certificates of completion of City Officer/Council member, completion of class education provided by OML.

- The city doesn't have the certificates. The certificates are the property of the individual and sent to the individuals.

An associate with the Oklahoma Municipal League, the agency that provides newly elected official training, conveyed that the city clerk, with a phone call, could have requested copies of the certifications be sent to the city. The city clerk should consider taking the steps necessary to acquire records of this nature and maintain them on file. This is a proactive step in providing transparency and confidence in the city's elected officials.

²⁷ 25 O.S. § 307(F)(2) and 312
²⁸ 51 O.S. § 24A.5(6), 51 O.S. § 24A.2

Example 2

On August 4, 2021, a records request was received asking for copies of utility billing statements for all residential and commercial customers from 2016 through 2021.

OPEN RECORDS REQUEST
COPIES \$.25 PER PAGE (CASH ONLY)

8/4/2021

DOCUMENT REQUESTED: *Any, + all, individual/commercial*
adjustments/credits/debits
to residential + commercial monthly billing for

DATE REQUESTED: *years 2016 - present (8/4/2021) + explanation for*
adjustments, credits, &

REQUESTED BY: *adjustments* 

SIGNATURE AT TIME OF PICKUP: _____

** Please list any + all adjustments by date + dollar amount individ-
 ually, w/ the name of person approving adjustment, +
 reasons as to why adjustment was deemed necessary. DO NOT
 GIVE ONE DOLLAR AMOUNT TO REFLECT Adjustments.
 Please INCLUDE Which Financial Accts/Accounting Chart of
 Accounts were credited/debited/transferred.*

The response below is from a letter provided to the requester by the city clerk.

Any and all adjustment for residential and commercial customers from 2016-2021.

- This request is not feasible per City Attorney.**

In the email correspondence between the city attorney and the city clerk, the city attorney provided this opinion.

3. On the adjustments, she could be provided something that shows that adjustments were made, but that's it. She doesn't get access to accounts or addresses, or customer's personal information, etc. She also isn't entitled for the city to provide any explanation for anything because that's not a "record".

The record request response was not in line with the city attorney's opinion. The city clerk should have provided, at the very least, records per the attorney's opinion. Again, the records request was simply dismissed. The city clerk should seek to ensure that public records requests are fulfilled to the extent possible.

Finding Public records were not maintained and preserved in an organized and accessible manner.

Statute²⁹ establishes that government entities are responsible for maintaining and preserving public records in an organized and accessible manner. The city should have custody of documents, records, and archives, and must establish procedures for record retention and disposal in accordance with applicable laws.

The city's public records located at the "old" city hall were in disarray. The failure to provide requested records within a reasonable timeframe suggests that the city is not maintaining and preserving public records in an organized and accessible manner. The position of city clerk has the primary responsibility for maintaining custody of the documents, records, and archives of the city and the clerk should ensure that records are easily accessible and readily available.³⁰

Records Maintained at "Old" City Hall



In Summary

The Open Meeting Act and the Open Records Act are key to making the work of a municipality transparent to the citizens. The key purpose of the act is to ensure and facilitate the public's right to access and review government records so they may better understand governmental processes. Compliance with these Acts greatly improves the relationship between the government entity and the citizens.

The city should implement measures to ensure compliance with both Acts. At a minimum, the city should:

- Maintain comprehensive and accurate meeting minutes, along with supporting information packets, to enable the public's understanding of council discussions and decisions.

²⁹ 67 O.S. § 201-217

³⁰ 11 O.S. § 9-112(3)

- Prioritize and fulfill public records requests within a reasonable timeframe. The city clerk should seek guidance from the city attorney to ensure the proper interpretation of legal opinions regarding record disclosure and adhere to the opinion provided.
- Maintain records, both electronic and physical, in an organized manner, and follow appropriate retention and disposal procedures.
- Take action to address the poor records maintenance and disarray observed at the "old" city hall facility. A thorough inventory and organization of records should be conducted, ensuring that all documents are properly cataloged and easily accessible.
- Obtain original signatures on all meeting minutes and agendas, avoiding the use of signature stamps.

Objective 8

Police Payroll

Petition Objective *Determine whether payroll was calculated properly for police department employees.*

The petitioners' primary concerns were whether officer payroll, including overtime, had been calculated correctly between 2019 and 2021. During this period, the newly elected city marshal, Kenny Cook, had served as the assistant police chief before being terminated.

No Finding *Payroll for Cook and other selected police officer's records was reviewed for the period of 2017 through 2021. The police officer's payroll, including overtime, was calculated properly.*

Payroll checks from bank statements, timecards, and payroll history reports were reviewed, compared, and found to be accurate. Ordinances and council meeting minutes were also reviewed to verify that pay rates were approved in accordance with statute.³¹

Testing was conducted to compare the breakdown of hours paid for regular, overtime, holiday, vacation, and sick leave from timecards with the Payroll History Report to verify the accurate entry of data into the city's payroll software and that the correct rates of pay were applied. No inaccuracies were noted in the recalculations.

Additional Objective

City Clerk Unauthorized Salary Increase

Objective *Did city clerk Codie Cross provide herself with an unauthorized salary increase?*

A current city official notified the State Auditor's Office that there was valid information indicating that Codie Cross, the current city clerk, had raised her salary for FY 2023 without obtaining proper council approval. The unauthorized increase amounted to approximately \$10,000.

Finding *Codie Cross, the current city clerk, enacted an unauthorized salary increase for herself, without proper council knowledge and approval and in violation of law.*

³¹ 11 O.S. 9-108(2)

The compensation for elected officials is to be determined by ordinance and approved by the council. Additionally, mid-term salary hikes for elected officials are not allowed, per Okla. Const. Art. 23, § 10 which states in part:

... in no case shall the salary or emoluments of any public official be changed after his election or appointment, or during his term of office, unless by operation of law enacted prior to such election or appointment; nor shall the term of any public official be extended beyond the period for which he was elected or appointed:

On December 14, 2020, Ordinance 434 was passed and approved by the council, which established the salary of the city clerk to be \$35,000 annually. This amount was to take effect in the first month after the expiration of the term of the then-city clerk; \$35,000 was also the salary in effect at the beginning of Cross’ current term of office.

A review of Cross’ payroll reports indicated that between July 22, 2019, and June 17, 2022, her pay rate and salary corresponded to the council and ordinance approved wage. Beginning on July 1, 2022, Cross’ gross pay increased from \$35,000 to \$45,000, an unapproved annual increase of \$10,000.³²

Meeting minutes reviewed for the months leading up to the salary increase did not indicate any council discussions of an increase in the city clerk’s salary or the passage of any relevant ordinances. Council members who served during the period the wage increase took effect expressed that the council neither engaged in discussions nor authorized the raise. The mayor serving during the time of the salary increase, stated that she had no knowledge of the increase and that there were no discussions or approvals within the council meetings pertaining to the increase.

Cross, who oversees payroll, had the capability to adjust salaries without the knowledge of other city officials. There were no safeguards in the city’s payroll accounting process requiring additional approval.

Any adjustments to the city clerk’s payroll should only have occurred through an ordinance approved by the council and should not take effect until after the election of the next city clerk’s term.

Additional Objective Unauthorized Wage Increases

Objective *Were city employees who reported directly to city clerk Codie Cross provided unauthorized wage increases?*

As a result of the findings related to the city clerk’s payroll, the investigation expanded to include personnel under Cross’s supervisory authority.

Finding *Personnel working under Cross’s direct supervision received unauthorized wage increases. The increases were made without proper approval.*

The authority to establish hourly pay rates for utility authority employees rests exclusively in the hands of the board.³³ There are no statutes prohibiting an increase in wages, and although

³² All amounts are rounded.

³³ 11 O.S. § 9-108

Cross held direct responsibility for overseeing and executing payroll for these employees, wages should not have been increased without board approval.

There was no record in the minutes indicating the board’s approval for these increases, and former board members present at that time do not recall any discussions or approvals regarding the increases.

Additional Objective Fuelman Accounts

Objective Are the city’s Fuelman accounts being utilized and managed properly?

A review of meeting minutes from December 10, 2018, disclosed the initiation of an executive session to address "recent employee abuse of Fuelman cards." A lack of specific details concerning the issue prompted an analysis to determine if any abuses were taking place or if the possible abuse issues had been resolved.

Records received from Fuelman indicated the city currently has 105 active cards and the utility authority has 56 active cards. Several of these cards remain unassigned to a specific department, complicating efforts to establish departmental accountability and accurately track usage and expenditures.

Finding Fuelman charge card records were incomplete, receipts were not properly maintained or reconciled, multiple unassigned, untracked cards existed, and anomalies in card usage and fuel consumption were noted.

City officials did not enforce a policy requiring card users to submit fuel receipts. The fire and police departments had a notable lack of receipt submissions. The lack of fuel receipts resulted in a failure to reconcile most fuel purchases with Fleet Management Reports and Fuelman invoices, leading to inaccurate expenditure tracking.

Records indicated that numerous cards were unassigned to specific departments, hindering the ability to establish accountability and monitor usage accurately. Additionally, several expired cards retained an "Active" status, indicating a need for improved oversight and management of card deactivation.

DEPARTMENTAL SUMMARIES									
DEPARTMENT NAME	DEPT NUM	QTY	BASE PRICE	FED TAXES	STATE TAXES	LOCAL TAXES	MAINT/OTH (Non-Fuel)	EXTENDED TOTAL	EXCEPT COUNT
No Department	0	1,065.990	4,439.20	3.38	10.65	0.00	0.00	4,453.23	0
00013-CITY OF WYNNWOOD	62705	131.465	673.16	0.40	1.32	0.00	0.00	674.88	3
00016-CITY OF WYNNWOOD	62706	60.694	251.58	0.19	0.61	0.00	0.00	252.38	3
00019-CITY OF WYNNWOOD	62708	220.267	972.59	0.69	2.20	0.00	0.00	975.48	9

Employees authorized to use fuel cards receive User IDs and Personal Identification Numbers (PINs.) PINs are necessary for each transaction, and user identifications are recorded in Fuelman's Fleet Management Reports. Both are key in tracking the accountability of card usage. Conversations with police and fire department officials highlighted the practice of PIN sharing which compromises data integrity and facilitates potentially fraudulent activities. PINs belonging to former employees are not deactivated and some employees possess multiple PINs.

City Account		WWUA Account	
53	Active Users	21	Active Users
10	Possess Multiple PINs	0	Possess Multiple PINs
14	No Longer Employees with Active PINs	12	No Longer Employees with Active PINs
10	Temporary Hold but Still Active	11	Temporary Hold but Still Active

The utilization of a generic "POLICE" user ID further reduced use accountability.

16 – WHITE FORD EXPLORER											
07/02	21:24	331318	ROY CANNON	97302	0.0	UE10	11.131	4.11490	0.01310	\$45.94	3
07/08	15:09	331318	ROY CANNON	97390	7.1	UE10	12.451	4.37390	0.01310	\$54.62	3
07/10	08:05	401183	POLICE	97485	9.1	UE10	10.446	4.37390	0.01310	\$45.82	3, 43
07/11	12:06	401183	POLICE	97573	10.3	UE10	8.517	4.25790	0.01310	\$36.38	3, 43
07/12	20:26	401183	POLICE	97692	11.1	UE10	10.717	4.25790	0.01310	\$45.77	3, 43
07/15	16:17	331318	ROY CANNON	97884	18.1	UE10	10.585	4.25790	0.01310	\$45.21	3
07/17	09:41	401183	POLICE	97843	0.0	UE10	8.638	4.25790	0.01310	\$36.90	3, 11, 43
07/19	15:26	401183	POLICE	97922	8.7	UE10	9.093	4.07490	0.01310	\$37.17	3, 43
07/20	18:14	401183	POLICE	98039	11.4	UE10	10.230	4.07490	0.01310	\$41.82	3, 43
07/25	18:31	401183	SHAWN APPL	98099	11.0	UE10	5.477	3.82690	0.01310	\$21.03	3, 43
07/29	20:20	401183	SHAWN APPL	98199	10.5	UE10	9.502	3.76490	0.01310	\$35.90	3, 43
07/30	05:53	401183	SHAWN APPL	98260	10.2	UE10	6.002	3.76490	0.01310	\$22.68	3, 43
				Miles:	999	10.8	112.789			\$469.24	

The consistent input of incorrect mileage data by numerous card users has resulted in inaccuracies within fleet reporting records.

DATE	TIME	SITE	DRIVER	ODOMETER	MPG	FUEL TYPE	QTY	NET PRICE	TAXES	TOTAL AMT	EXCEPT CODE**
102 – White Chevrolet											
05/01	08:21	401183	MARK PIERC	252629	8.3	UE10	25.486	2.92300	0.01701	\$74.93	
05/11	08:15	401183	MARK PIERC	252835	8.3	UE10	24.813	2.71300	0.01701	\$67.74	
05/22	08:26	401183	MARK PIERC	252984	9.0	UE10	16.472	2.82300	0.01701	\$46.77	
05/31	08:48	401183	MARK PIERC	253125	7.0	UE10	20.160	2.82300	0.01701	\$57.25	
				Miles:	707	8.2	86.931			\$246.69	
103 – White Chevrolet 2											
05/02	09:22	401183	G TURNER	114477	0.0	UE10	14.197	2.92300	0.01701	\$41.74	
05/04	09:19	401183	G TURNER	114477	0.0	UE10	6.075	2.87300	0.01701	\$17.55	
05/05	13:24	401183	G TURNER	114477	0.0	UE10	6.459	2.79300	0.01701	\$18.15	
05/09	08:29	401183	G TURNER	114477	0.0	UE10	6.611	2.77300	0.01701	\$18.45	
05/10	13:37	331318	G TURNER	114477	0.0	UE10	8.770	2.56840	0.01701	\$22.67	
05/15	13:17	401183	G TURNER	114477	0.0	UE10	6.266	2.83300	0.01701	\$17.85	
05/18	13:23	401183	G TURNER	111447	0.0	UE10	8.980	2.82300	0.01701	\$25.51	11
05/22	08:22	401183	G TURNER	114477	0.0	UE10	6.256	2.82300	0.01701	\$17.76	
05/24	14:07	331318	G TURNER	114477	0.0	UE10	10.702	2.70200	0.01701	\$29.10	
05/26	08:21	401183	G TURNER	114477	0.0	UE10	7.511	2.82300	0.01701	\$21.34	
05/26	08:43	401183	G TURNER	114477	0.0	UE10	7.617	2.82300	0.01701	\$21.64	
05/30	15:27	401183	G TURNER	114477	0.0	UE10	6.312	2.82300	0.01701	\$17.92	
				Miles:	----		95.756			\$269.68	

The mileage and miles per gallon (MPG) metrics of four new Chevrolet Tahoe's within the police department's fleet were compared. These vehicles, identical in terms of year, make, and model, were placed in service concurrently. An MPG deviation was noted in Tahoe 201587, during quarters 1 and 2, and Tahoe 199962, during quarter 3. The operators of these vehicles resigned from the police department in April, and the vehicles were reassigned. After reassignment, the MPG of both vehicles increased. The reason behind the lower MPG remains uncertain. The City Marshal/Police Chief should obtain copies of the Fuelman Fleet Management Report and consistently evaluate officers' usage and MPG.

FY2023 Fleet Management Report Observations																										
New Tahoes miles and mpg comparisons.																										
Vehicle	Driver	Jul-22		Aug-22		Sep-22		Oct-22		Nov-22		Dec-22		Jan-23		Feb-23		Mar-23		Apr-23		May-23		Jun-23		
		MPG	Miles	MPG	Miles	MPG																				
Tahoe 201587	Brandon Cross	6.6	799	4.3	562	4	242	4.4	390	4.3	287	4.1	411	4	486	3	187	4.3	358	9.8	461	6.4	818	5.5	1097	Larry Gilland began utilizing 201587 the beginning of May
Tahoe 201841	Shawn Applewood	8.9	521	6.3	1027	7.2	1045	6.2	909	6.4	939	6.8	1128	7	1057	6.1	724	7.1	972	7.6	1001	6.7	884	9.2	1646	Josh Smith began utilizing 201841 in April.
Tahoe 199962	Roy Cannon	11	850	9.8	866	10.2	886	10.7	527	8.1	815	6.7	907	5.8	291	5	231	3.9	216	9.6	191	9.1	672	Kenny Cook began utilizing 199962 in May.		
Tahoe 201372	Ken Moore	11.3	1280	11.2	1282	11.6	895	12.5	1136	12.2	1091	11.2	1384	9.2	1159	8.3	483	7.9	837	9.7	904	8.6	1040	10	354	Shane Richardson began utilizing 201372 in January.

In Summary

City officials bear the responsibility of formulating clear and enforceable guidelines for the use of public funds and overseeing the fiscal affairs of the city.³⁴ The council should implement a strong Fuelman card assignment and tracking system, ensuring every card is assigned to a specific department with an accountable supervisor. The requirement for the monthly submission of fuel receipts by all card users should be enforced. When receipts are not consistently submitted, suspension of card usage should be considered.

A regular review of active card users should be performed, and a protocol for the timely cancellation of expired and inactive cards should be implemented. The use of generic user IDs should be discontinued, and each employee should be assigned a unique user ID for enhanced tracking and accountability. PINs should not be shared among users to preserve data integrity and help prevent fraudulent activities.

Additional Objective City Clerk Utility Payments

Objective Did City Clerk Codie Cross circumvent the city’s requirements for paying her personal utility bill?

A current city official reported that current city clerk Codie Cross was not paying her utility bills as required by ordinance.

Finding Codie Cross exempted herself from utility non-payment disconnection actions allowing her account to go uninterrupted without making monthly utility payments. This exemption also allowed her to avoid paying “cut off” and “reconnect” fees totaling \$2,100.00.

A review of the city’s protocols for billing and receipt of payments, along with an analysis of the utility billing history for Cross, was performed for the period between February 2020 and August 2023. Per Resolution 892, a “cut off” fee of \$100.00 was to be added to each residential bill in which the utility was cut off for failure to pay. Per Ordinance 383, a service “reconnect fee” of \$50.00 was to be paid prior to reconnection of utility services. The utility bill and the service fees were to be paid in full before services were reconnected.

Beginning with the April 2022 billing, Cross did not pay her monthly utility bill until a payment was made on July 13, 2022, amassing a total past-due amount of \$999.25. A payment of \$400.00 was made on July 18, 2022, bringing the total past-due balance to \$599.25.

ACCOUNT NUMBER	401800002	STATUS	Active		
NAME	BRANDON & CODIE CROSS	CUSTOMER TYPE	RESIDENTIAL		
PROPERTY	[REDACTED]				
DATE	DESCRIPTION	CONSUMPTION	CHARGE	BILL/PEN/PMT	BALANCE
7/18/2022	PENALTY			15.50	\$99.25
7/13/2022	PAYMENT			400.00-	583.75
7/01/2022	WATER	61	30.88		
7/01/2022	SEWER	61	21.13		
7/01/2022	GARBAGE		13.00		

\$983.75 + \$15.50 = \$999.25 Total Past Due Balance
 \$999.25 - \$400 Payment = \$599.25 Past Due Balance

Four additional months of utility bills were not paid until a payment was recorded at the end of November 2022, when an unpaid balance of \$2,294.37 was partially covered by a \$1,800.00 payment, leaving a remaining past-due balance of \$494.37.

³⁴ 11 O.S. § 9-105, 11 O.S. § 9-108

ACCOUNT NUMBER	401800002		STATUS	Active	
NAME	BRANDON & CODIE CROSS				
PROPERTY			CUSTOMER TYPE	RESIDENTIAL	
DATE	DESCRIPTION	CONSUMPTION	CHARGE	BILL/PEN/PMT	BALANCE
11/22/2022	PAYMENT			1800.00-	494.37
11/16/2022	PENALTY			14.87	2294.37
11/15/2022	WATER	72	33.96		
11/15/2022	SEWER	72	22.50		
11/15/2022	GARBAGE		13.00		
11/15/2022	ELECTRIC	1364	217.40		
	TAX		10.33	297.19	2279.50

\$2,294.37 Past Due Balance - \$1,800.00 Payment = \$494.37 Past Due Balance

Seven more months of payments were then missed until June 15, 2023, when a payment of \$1,960.34 was made, bringing the overdue balance to \$0.00.

ACCOUNT NUMBER	401800002		STATUS	Active	
NAME	BRANDON & CODIE CROSS				
PROPERTY			CUSTOMER TYPE	RESIDENTIAL	
DATE	DESCRIPTION	CONSUMPTION	CHARGE	BILL/PEN/PMT	BALANCE
6/15/2023	PAYMENT			1960.34-	0.00
6/01/2023	WATER	54	28.92		
6/01/2023	SEWER	54	20.10		
6/01/2023	GARBAGE		15.00		
6/01/2023	ELECTRIC	960	146.72		
	TAX		6.97	217.71	1960.34

\$1,960.34 Past Due Balance - \$1,960.34 Payment = \$0.00 Past Due Balance

During the period from April 2022 through June 2023, spanning 15 months of delinquency, Cross's utility services remained uninterrupted, and she did not incur any "cut off" or "reconnect fee." If the required "cut-off" and "reconnect fee" had been charged, Cross would have owed an additional \$2,100.00 on her utility bill throughout the non-payment period.

Summary of City Clerk Codie Cross Utility Non-Payment						
Utility Billing History				Unassessed Fees		
Account Date	Utility Billing Incl. Tax & Penalty	Payment Amount	Utility Balance	Disconnect Fee Per Resolution 892	Reconnect Fee Per Ordinance 383	Total Unpaid Fees
Apr-22	\$207.52	\$0.00	\$207.52	\$100.00	\$0.00	\$100.00
May-22	\$206.32	\$0.00	\$413.84	\$100.00	\$50.00	\$150.00
Jun-22	\$259.87	\$0.00	\$673.71	\$100.00	\$50.00	\$150.00
Jul-22	\$325.54	\$400.00	\$599.25	\$100.00	\$50.00	\$150.00
Aug-22	\$450.03	\$0.00	\$1,049.28	\$100.00	\$50.00	\$150.00
Sep-22	\$499.46	\$0.00	\$1,548.74	\$100.00	\$50.00	\$150.00
Oct-22	\$433.57	\$0.00	\$1,982.31	\$100.00	\$50.00	\$150.00
Nov-22	\$312.06	\$1,800.00	\$494.37	\$100.00	\$50.00	\$150.00
Dec-22	\$215.85	\$0.00	\$710.22	\$100.00	\$50.00	\$150.00
Jan-23	\$180.84	\$0.00	\$891.06	\$100.00	\$50.00	\$150.00
Feb-23	\$241.17	\$0.00	\$1,132.23	\$100.00	\$50.00	\$150.00
Mar-23	\$220.11	\$0.00	\$1,352.34	\$100.00	\$50.00	\$150.00
Apr-23	\$200.34	\$0.00	\$1,552.68	\$100.00	\$50.00	\$150.00
May-23	\$189.95	\$0.00	\$1,742.63	\$100.00	\$50.00	\$150.00
Jun-23	\$217.71	\$1,960.34	\$0.00	\$0.00	\$50.00	\$50.00
				\$1,400.00	\$700.00	\$2,100.00

These fees were not applied because Cross received a “Disconnect Exempt” status within the city’s billing software. This exemption shielded Cross from disconnections. Among utility customers, only four residential accounts held this exemption status. According to city officials, this status was rarely exercised and was typically reserved for temporary instances such as severe medical emergencies.

Cross, in her capacity as the current city clerk, had the ability to exempt herself from disconnection and the accompanying fees. These adjustments were made without the awareness or approval of other city officials. These actions could result in a violation of law which prohibits the receiving of any perquisite by a public officer.³⁵

³⁵ Okla. Const. Art. 10, § 11, 21 O.S. § 341

Exhibit 1 – Departmental Daily Run Sheet

Wynnewood Fire Department	
RUN #: <u>66</u>	33 CHRIS MALLOW <u>B1</u>
DATE: <u>3-8-22</u>	44 JOSH SMITH _____
TYPE OF CALL: <u>Truck fire</u>	24 AUSTIN GILTNER <u>SB</u>
LOCATION: <u>22239 Hwy 177</u>	17 MICHAEL RAY <u>E1</u>
TIME RECEIVED: <u>6:03 pm</u>	25 GREG DIXON <u>T2</u>
TIME OUT: <u>6:05 pm</u>	32 CHANCE BLACKBURN _____
TIME BACK IN: _____	23 STEVEN WHITE _____
OWNER: _____	50 LEWIS TULEY _____
ADDRESS: _____	10 KEITH COTTRELL _____
INS COMP: _____	28 JEREMY GREEN <u>T2</u>
INS AGENT: _____	20 JUSTIN PITTMAN _____
PHONE/ADDRESS: _____	13 MATT PHILLIPS _____
VEHICLE MAKE: _____	66 JR LEVERRETT _____
TEMP: <u>42°</u> WIND: <u>N 5mph</u>	19 TOM BRADLEY <u>SB</u>
HUM: <u>43%</u> PRESS: <u>30.05</u>	35 BRANDON CROSS _____
# OF FIREMAN: _____	29 MATT DIXON <u>E1</u>
I.C.: <u>Mallow</u>	22 RUSTY HILLIS <u>E1</u>
MUTUAL AIDE: _____	21 ZACK RAY <u>E1</u>
	27 PRESTON HUDSON <u>B1</u>

Exhibit 2 – Departmental Monthly Run Sheet

WWFD Montly Run Sheet

RUN	DATE	TYPE	CITY	RURAL	# OF FIREMEN	TOTAL PER	TOTAL PER RUN
#59	3-1-22	Control Burn- Burn Ban		X	4	\$10.00	\$40.00
#60	3-1-22	Grass Fire		X	3	\$10.00	\$30.00
#61	3-2-22	Grass Fire		X	6	\$10.00	\$60.00
#62	3-2-22	Grass Fire	X		7	\$10.00	\$70.00
#63	3-3-22	Grass Fire		X	4	\$10.00	\$40.00
#64	3-7-22	Structure Fire-Joy		X	5	\$10.00	\$50.00
#65	3-8-22	Control Burn- Burn Ban		X	3	\$10.00	\$30.00
#66	3-8-22	Truck Fire		X	10	\$10.00	\$100.00
	3-8-22	Meeting	X		11	\$10.00	\$110.00
#67	3-9-22	Motor Vehicle Accident		X	7	\$10.00	\$70.00
#68	3-9-22	Grass Fire		X	7	\$10.00	\$70.00
#69	3-10-22	Gas Leak	X		1	\$10.00	\$10.00
#70	3-11-22	Truck Fire		X	8	\$10.00	\$80.00
#71	3-12-22	Motor Vehicle Accident		X	5	\$10.00	\$50.00
#72	3-12-22	Grass Fire		X	6	\$10.00	\$60.00
#73	3-12-22	Grass Fire		X	7	\$10.00	\$70.00
#74	3-13-22	Grass Fire		X	4	\$10.00	\$40.00
#75	3-13-22	Car fire		X	3	\$10.00	\$30.00
#76	3-13-22	Grass Fire		X	5	\$10.00	\$50.00
#77	3-16-22	Motor Vehicle Accident		X	6	\$10.00	\$60.00
#78	3-17-22	Car Fire		X	3	\$10.00	\$30.00
#79	3-18-22	Truck Fire		X	10	\$10.00	\$100.00
#80	3-19-22	Motor Vehicle Accident		X	7	\$10.00	\$70.00
#81	3-19-22	Grass Fire		X	8	\$10.00	\$80.00
#82	3-20-22	Grass Fire-Grady County		X	10	\$10.00	\$100.00
#83	3-25-22	Motor Vehicle Accident	X		6	\$10.00	\$60.00
#84	3-25-22	Grass Fire		X	5	\$10.00	\$50.00
#85	3-25-22	Training	X		5	\$10.00	\$50.00
#86	3-28-22	Control Burn- Burn Ban		X	8	\$10.00	\$80.00
#87	3-29-22	Motor Vehicle Accident		X	8	\$10.00	\$80.00
#88	3-31-22	Motor Vehicle Accident		X	6	\$10.00	\$60.00
						TOTAL	\$1880.00

DISCLAIMER *In this report, there may be references to state statutes and legal authorities which appear to be potentially relevant to the issues reviewed by the State Auditor & Inspector's Office. This Office has no jurisdiction, authority, purpose, or intent by the issuance of this report to determine the guilt, innocence, culpability, or liability, if any, of any person or entity for any act, omission, or transaction reviewed. Such determinations are within the exclusive jurisdiction of regulatory, law enforcement, prosecutorial, and/or judicial authorities designated by law.*